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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/767,310

01/29/2004

Manfred Dworschak

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Lipsitz & McAllister, LLC
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EXAMINER

BACHMAN, LINDSEY MICHELE

ART UNIT

PAPER NUMBER

3734

MAIL DATE

DELIVERY MODE

04/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/767,310	Applicant(s) DWORSCHAK ET AL.	
	Examiner LINDSEY BACHMAN	Art Unit 3734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1-29-04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Information Disclosure Statement

The information disclosure statement filed 29 January 2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. There is no copy for 297 08 218 from Germany.

The information disclosure statement filed 29 January 2004 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered. No English abstract was received for references AJ, AL, AM, AN, AO, AQ, AR and AT and these references have not been considered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claims 1 and 4, in the claims, Applicant claims a connecting element 16 (Claim 1) and a separate element, spigot 18 (Claim 4). However, according to Applicant's drawings and specification, spigot 18 is a part of the connecting element 16 (see Figures 1 and 2). Clarification is requested.

Claim 3 recites the limitation "the surface" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-5, 7-20, 22 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by EII (US Patent 5,316,512).

Claim 1, 2, 3, 16, 17, 18: EII'512 discloses a device that contains a first part (11) and a second part (10) that are touching (see Figure 2) that is connected together by a

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connecting device (12) (column 1, lines 65-66). The instrument also contains a cover element (32) that is connected to the first part and is disposed on the second part in order to stop the first and second parts from moving away from each other (column 2, lines 39-41).

Claim 4, 5, 10, 15, 19, 20, 22, 23: Ell'512 discloses a spigot (31) on the first part. The second part contains a spigot recess (30) (see Figure 2). The cover (32) is on the spigot (see Figure 2).

Claim 7: The spigot has longitudinal slots (see Figure 2).

Claim 8: The cover element has a larger diameter than the spigot (see Figure 2).

Claim 9: The contact surface is arranged at the spigot recess (see Figure 2).

Claim 11: The first part contains a seating (31) and the second part is adapted to be placed on the first part (see Figure 2) (column 2, lines 31-41).

Claim 12: The cover stops the withdrawal of the first part from the seating (column 2, lines 31-41).

Claim 13-14: The device pivots about the seating. The first part has a guiding (slits on element 31 in Figure 2) for the second part.

Claims 1, 4, 6, 21, 22 and 24-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Shannon et al. (US Patent 3,735,763).

Claim 1: Shannon'763 discloses a device that contains a first part (12) and a second part (14) that are connected together with a connecting device (16). The second part abuts the first part (see Figure 1). Further, the device contains a cover element (32) that is connected to the first part (shown in Figure 2) and disposed on the second part

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so that movement of the second part away from the first part is blocked by the cover member (see Figure 2).

Claim 4: The first part contains a spigot (28) and the second part contains a spigot recess (30).

Claim 6: The cover is adapted for snap-action closure.

Claim 21: The cover element is seated on the first part with a film hinge (bend between 32 and 34).

Claim 22: The cover element is fixable to the first part (see Figure 2).

Claim 24: The cover element is fixable to the first part by a latching connection (32, 34).

Claim 25: The cover element contains a coupling element (34) and the first part contains a corresponding coupling element (28). Transverse movement of the cover element relative to the first part is blocked by cooperation between the coupling elements (see Figures 1 and 2).

Claim 26: The coupling elements (28, 34) cooperate in the form of a seating (opening in element 34) and a corresponding element that enters into the seating (28).

Claim 27: The cover element (32) is movable relative to the first part.

Claim 28-29: The cover element is separate from the first part and is fully fixed to the first part after being applied to the second part (see Figure 2).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINDSEY BACHMAN whose telephone number is (571)272-6208. The examiner can normally be reached on Monday to Thursday 7:30 am to 5 pm, and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jackie Ho can be reached on 571-272-4696. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin T. Truong/
Primary Examiner, Art Unit 3734

/L. B./
Examiner, Art Unit 3734